IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 6TH NOVEMBER 2007 / 15TH KARTHIKA 1929

WP(C).No. 32033 of 2007(L)

PETITIONER:

DHARMARAJAN AGED 43 YEARS,
S/O. SATHIANANDAN, ETTATH HOUSE,PERINJANAM VILLAGE
KODUNGALLUR TALUK, THRISSUR, REPRESENTED BY HIS
WIFE AND POWER OF ATTORNEY HOLDER,VENIPUSHPAJA -DO

BY ADV. SRI.RAJIT
SRI.RANJIT BABU

RESPONDENT:

REGIONAL PASSPORT OFFICER,
REGIONAL PASSPORT OFFICE, COCHIN.

BY ASST.SG SRI.P.PARAMESWARAN NAIR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 32033 OF 2007 L
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Dated this the 6th day of November, 2007

J U D G M E N T

The prayer sought for in this writ petition is to quash Ext.P4 order by which the Judicial Magistrate of Ist Class, Kodungalloor rejected the petitioner's application for rectification of the date of birth in his passport. Petitioner seeks a direction to the respondents to carry out correction of the date of birth as shown in the SSLC book without insisting on the order from the Magistrate Court.

2. When the writ petition came up for orders, learned counsel appearing for the respondent produced a circular issued by the Ministry of External Affairs, Government of India, dated 18/4/01, which governs the issue of correction of date of birth in the passports. By referring to the said circular, it is submitted by the learned counsel that in the absence of contradictory documents produced before the Passport Authority, the Passport Authority himself can examine about the genuineness of the request, and if satisfied, can make corrections. According to the counsel, in such a case for effecting correction, orders of the Judicial First Class Magistrate is not necessary.

3. Now that it is clarified by the respondent that Passport Authority himself can carry out correction, it is for the petitioner to make a suitable application in that behalf. I notice that the petitioner has not so far made such an application.

In view of this, I dispose of this writ petition making it clear that it will be open to the petitioner to make an application to the respondent for correction of date of birth as sought for by him, in which event, the respondent will take into account the said request in the light of the circular dated 18/4/01 referred to above and pass appropriate orders.

ANTONY DOMINIC, JUDGE.

Rp